

Panaji, 26th May, 1988 (Jyaistha 6, 1910)

SERIES II No. 8

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Cooperation

Office of the Registrar of Co-operative Societies

No. 19-9-85/ARSZ/Cons/812

Read: This Office Notice of even No. dated 14-1-1988, issued to all the Managing Committee members of the Chowgule Textile Mills Consumers Coop. Society Ltd., Sheldem — Quepem — Goa under section 78(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Rule 61(2) of the Coop. Societies Rules, 1962.

Sub: Supersession of the Managing Committee under section 78 (1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Rule 61 (2) of the Coop. Societies Rules, 1962.

The Chowgule Textile Mills Consumers Coop. Society Ltd., Xeldem, Quepem, Goa was registered in the year 1973, with the main objects to provide the members as well as non-members all articles of consumption.

It is however, seen from the records of this society that the management did not run the business of the society as per the provision of Maharashtra Coop. Societies Act and Rules and bye-laws of the society and as such it is found that there is total mismanagement in the working of the society to the extent that the Chairman and other managing Committee members have utilised the society's fund for their personal use to the tune of Rs. 35,400/- which is revealed in the audit carried by the Department ending 30-9-1987. Also advances received from the staff members work out to the extent of Rs. 62741.94. Now the Management of Chowgule Textile Division has also closed down the working of the Textile mill and it is established that in case of most of the employees, who are members of the society, have made their final settlement with the company and in future they will not come in contact with the society and have also vacated their place of residence. As stated above, since the management of the society did not work in the interest of the society, funds of the society has been involved in misappropriation/misutilization. Besides, the society has to recover huge amount from the Chowgule Company on account of the credit transaction with the employees.

Under the circumstances, as stated above, a notice under section 78 (1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Rule 61(2) of the Coop. Societies Rules, 1962 was issued to all the members of the Managing Committee of the aforesaid society requesting them to show cause as to why the Managing Committee should not be superseded. However, in some cases notices have been returned/unserved and in some cases replies given by the Managing Committee members are not convincing.

In view of the above, the following order is passed:—

ORDER

In exercise of the powers vested in me under section 78(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Rule 61(2) of the Coop. Societies

Rules, I, R. I. Jai Prakash, Registrar of Coop. Societies, Goa hereby supersede the Managing Committee of the Chowgule Textile Mills Consumers Coop. Society Ltd., Xeldem, Quepem consisting of 8 members mention below with effect from the date of issue of this order.

1. Shri B. J. Kotian.
2. Shri Pradeep Shirodkar.
3. Shri V. R. Sadekar.
4. Shri Ashok Sawant.
5. Shri Shivaji Gawas.
6. Shri Narayan Pawar.
7. Shri Rukmanna Lokulkar.
8. Shri Ashok Chawan.

Further under section 78(1) (a) (ii) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, I hereby appoint Shri P. M. Naik, Sr. Inspector Coop. Societies, South Zone, Margao, as the Administrator in place of the above Managing Committee to manage the affairs of the said society for an initial period of one year.

R. I. Jai Prakash, Registrar of Coop. Societies, Goa.

Panaji, 21st April, 1988.

Notification

No. 60/154/88/TS

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the State of Goa, Sriniketan Coop. Housing Society Ltd., Taleigao-Tiswadi-Goa is registered under code symbol No. HSG(b)-228/Goa.

S. S. Keshkamat, Dy. Registrar of Coop. Societies.

Panaji 19th April, 1988.

Certificate of Registration

Sriniketan Coop. Housing Society Ltd., Taleigao Tiswadi-Goa is registered on 19-4-88 and it bears registration No. HSG(b)-228/Goa and it is classified as "Housing Society" under Sub-Classification No. "5(b)-Tenant Co-partnership housing Society" in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

S. S. Keshkamat, Dy. Registrar of Coop. Societies.

Panaji 19th April, 1988.

Notification

No. 60/145/87/TS

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Falcon Coop. Housing Society Ltd.,

Panaji-Goa is registered under code symbol No. HSG(b)-227/Gao.

Sd/- (S. S. Keshkamat) Dy. Registrar of Coop. Societies.
Panaji, 15th April, 1988.

Certificate of Registration

Falcon Coop. Housing Society Ltd., Panaji is registered on 15-4-88 and it bears registration No. HSG-(b)-227/Goa and it is classified as "Housing Society" under sub-classification No. "5(b)-Tenant Co-partnership Housing Society" in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the State of Goa.

Sd/- (S. S. Keshkamat) Dy. Registrar of Coop. Societies.
Panaji, 15th April, 1988.

Office of the Asstt. Registrar of Coop. Societies

Notification

No. PRD(c)-44/AR(Dairy)/Goa

In exercise of the powers vested in me under sub-section (1) of section 9 of the Maharashtra Cooperative Act, 1960, as applied to the State of Goa, "The Mahamaya Dudh Utpadak Sahakari Sanstha Ltd., Gaonkarwada, Mayem-Bicholim-Goa is registered under code symbol No. PRD-(c)-44/AR(Dairy)/Goa.

M. A. Desai, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 29th March, 1988.

Certificate of Registration

The Mahamaya Dudh Utpadak Sahakari Sanstha Ltd., Gaonkarwada, Mayem-Bicholim-Goa has been registered on 29-3-1988 and it bears registration code symbol No. PRD-(c)-44/AR(Dairy)/Goa and it is classified as producers society under sub-classification No. 7(c) Agriculture Producers Society of Rule 9 of Coop. Societies Rules 1962.

M. A. Desai, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 29th March, 1988.

Department of Labour

Order

No. 28/3/86-ILD

The following Award given by the Industrial Tribunal, Goa, is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 6th January, 1987.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI GOA

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No.: IT/14/86

1. Shri John S. Fernandes
2. Shri Apolino Fernandes
3. Shri Piety Fernandes
4. Smt. Minguellina Quadros
5. Shri Leslie Fernandes

V/s

M/s. Bencomar Hotel (Goa) Pvt. Ltd.

— Party No. I

— Party No. II

Workmen/Party No. I represented by Shri Subhas Naik, Secretary, Goa Trade & Commercial Workers' Union.

Panaji, Dated: 10-12-1987

AWARD

This is a reference made by the Government of Goa, by its order No. 28/3/86-ILD dated 6th May, 1986 with an annexure scheduled thereto which reads as follows:

"Whether the actions of the Management of M/s Bencomar Hotels (Goa) Private Limited & M/s Hotel Silver Sand, Colva, Salcete-Goa, in terminating the services of Shri John S. Fernandes, Store Keeper, Shri Apolino Fernandes, Steward, Shri Piety Fernandes, Steward, Smt. Minguellina Quadros, Room Attendant with effect from 27-8-85, and of Shri Leslie Fernandes, Receptionist with effect from 4-9-85 are legal and justified".

"If not to what relief the workmen are entitled to."

The Notices were issued to both the parties in terms of rule 10 (b) of the Industrial Disputes (Central) Rules 1957 and initially the date was fixed for hearing on 2-6-86. As the Tribunal was not functioning then, the matter remained on sine-die and after assumption, the fresh notices were issued to the parties returnable on 7-12-87. On the appointed date, the Party No. I represented by its Secretary appeared and Party No. II remained absent though duly served. Shri Subhas Naik, Secretary, Goa Trade & Commercial Workers' Union submitted before me an application informing the Tribunal that the 5 workers whose services were terminated and which is the subject matter of present dispute have been reinstated in their services with effect from 27-2-86 in view of the settlement arrived at on 9-2-86 between the Party No. I and Party No. II.

The Secretary has produced the Memorandum of Settlement under Section 12(3) of the Industrial Disputes Act, 1947 between the management and the workmen and it appears that the terms of settlement were arrived at before the Commissioner, Labour and Employment on 9-2-86. I have carefully gone through the terms and conditions of the settlement and today out of the two parties only Party No. I remained present through the Secretary and filed the Memo of Settlement of dispute including the subject matter of reference. Party No. I prays that a consent award be passed in so far as the dispute settled relates to the demands, subject matter of this adjudication Reference.

I have perused the terms of settlement which are attached hereto and they shall form a part of this settlement. As Party No. II had not remained present today, I presume that Party No. II has acquiesced in the terms and conditions of the settlement. Hence, I, have arrived at the conclusion that the terms and conditions are agreeable to both the parties i.e. Party No. I and Party No. II and that they are fair and reasonable to both parties. Hence, I accept them and pass the following order:

ORDER

Consent award in terms prayed for is hereby made. No order as to costs.

S. V. Nevagi, Presiding Officer, Industrial Tribunal.

Memorandum of settlement under section 12(3) of the Industrial Disputes Act, 1947 between the management of Silver Sands Colva and their workmen in the matter of demands of the workmen: Stoppage of work and consequent suspension of operation at the Hotel.

Names of the parties:

Representing the Employer
Shri Sebastian Cardoz
Director In-Charge,
Hotel Silver Sands,
M/s. Bencomar Hotels (Goa)
Private Limited.

Representing Workmen
Shri Subhash Naik
Authorised representative
of the workmen employed
at Hotel Silver Sands,
Colva-Salcete Goa;
AND the workmen as per
Annexure.

Short Recital of the Case

The disputes between the management of Hotel Silver Sands, Colva belonging to M/s. Bencomar Hotels (Goa) Pvt. Ltd., and their workmen were with reference to the termination of services of seven workmen; alleged refusal of employ-

ment to two workmen/employees, the Charter of Demands of the workmen and stoppage of work by the workmen. Whereas the workmen contended that there was an illegal lockout, the employer contended that the workmen stopped work illegally with effect from 3-12-1985. Both parties denied each other's contentions.

In order to bring about an amicable settlement of the dispute, at the intervention of the Commissioner, Labour and Employment, the parties were called for discussions and the discussions were held on 3rd; 4th; 7th and 8th February, 1986.

The matters connected therewith such as seven terminations, suspension of two workmen and the termination of services of probationers during the period of suspension of operations and the demands of the workmen were discussed by the majority of the workmen's representative and the management during the conciliation proceedings and finally on 9-2-1986 an amicable settlement was brought about on the following terms:

Terms of the Settlement

1) All the workmen except following 7 workmen whose services were terminated, shall report for duties on the date of re-opening of the Hotel:

- 1) Shri John Fernandes;
- 2) Apolino Fernandes;
- 3) Shri Leslie Fernandes;
- 4) Piety Fernandes;
- 5) Minguellina Quadros;
- 6) Sebastian Fernandes;
- 7) Sudarshan Panda.

Further the two suspended workmen/employees namely Mr. Paul Fernandes and Miss Catherina Dias shall also resume duties on the same day of re-opening and their suspensions shall be treated as revoked from the day they report for duty on the re-opening. This shall not affect the Domestic Enquiry against either or both of them.

2) It is agreed between the parties that the workmen who were temporary and/or on probation and whose services were terminated shall also be allowed to resume duties on the date of re-opening as if they were not terminated. However, their period of probation shall be extended by the number of days equivalent to the days commencing from stoppage of work to the resumption of duties.

3) In respect of probationers whose services are/were not terminated, in their case also the period of probation shall be extended by equal number of days of stoppage of work till the resumption of duties.

4) Thus all the workmen excepting 7 workmen whose names are mentioned in clause No. 1 above, shall join duties on re-opening and their services shall be treated as continuous. But in respect of probationers the probation period stand extended by equal number of days of stoppage of work till the resumption of duties. It is further agreed that the workmen shall not be entitled for the wages for the intervening period of stoppage of work till they resume duties.

5) The seven terminated workmen named in clause No. 1 above shall be reinstated in services with continuity of service and without back wages, on the 16th day of re-opening i.e. on 27-2-1986. If any one or more of these seven workmen was/were a probationer/s, the above term about addition of extension of probation period shall apply to him/them also. In view of this clause these 7 workmen shall report for duties on 27-2-1986 morning hours.

6) The gradewise/categorywise allotment of duties amongst the workmen shall depend upon the exigencies of work in the hotel.

7) The representatives of the workmen and the employer shall discuss other issues in dispute including the Charter of Demands at a later date which may be fixed in consultation with each other.

8) The workmen agree to extend their full co-operation, disciplined behaviour, to the employer in running the hotel. The parties agree not to resort to any direct action of strike; go-slow/lockout and agree to first settle their grievances by holding discussions at bilateral level and/or at the intervention of conciliation machinery under Industrial Disputes Act, 1947.

9) The employer/management shall re-open the hotel i.e. Hotel Silver Sands at Colva on 12th February, 1986 morning

hours. The workmen shall therefore join duties on 12-2-86 morning and their shift timings etc. will be intimated to them on that day for reporting for duties on that day and thereafter.

10) It is further agreed that if any workman is not in a position to join duties on 12-2-1986, 15 days' time shall be given to him for reporting for duties on receipt of the intimation which will be sent to him in writing letter under Certificate of Posting, besides a notice to that effect to be published by the management in the local dailies viz. "The Navhind Times" and "Herald". Failure of any workman to resume duties within such 15 days period from such publication, shall make him loose his lien on service and it will be presumed that he is not interested in employment and treated as if resigned from the services.

11) The employer of Hotel Sands shall pay to the workmen their earned wages as may be due on 5th day of re-opening of hotel i.e. on 17-2-86 or on the 5th day of a workman resuming duties as the case may be.

12) It is agreed that the workmen who have accepted their dues on termination, now that they are being reinstated as per above clauses, shall refund the amount so received in either lump sum or in monthly instalments not exceeding 8 (eight).

13) The management shall take immediate steps to have the operative injunctions vacated by appropriate authority.

14) Parties agree to report compliance of this settlement to the Office of Commissioner, Labour and Employment, Panaji, on or before 28-2-1986.

Signatures of the Parties

Sd/-
Sebastian Cardoz
Director, In-Charge,
Hotel Silver Sands,
M/s. Bencomar Hotels
(Goa) Pvt. Ltd.

Sd/-
Subhash Naik
Sd/-
Leslie Fernandes
Sd/-
Francisco Cardoz
Sd/-
John P. Clemento
Sd/-
Raul Castello
Sd/-
Humbert Rodrigues
Sd/-
Sebastian Miranda
Sd/-
Caetan Misquita
Sd/-
John S. Fernandes
Sd/-
Agnelo Fernandes

Before me

Sd/-

R. S. Mardolker

Commissioner, Labour and Employment

Witnesses:

1.

2.

Sd/-

Goa, dated 9-2-1986.

No: — IRM/CON/(100)/86.

Industries Department

Notification

No. 3/13/80-ILD-Part-I (1)

In exercise of the powers conferred by sub-clause (1) of clause 3 of the Paraffin Wax (Supply, Distribution and Price

Fixation) Order, 1972, the Government of Goa hereby fixes Rs. 10,108/- (Rupees ten thousand, one hundred eight only) and Rs. 10,214/- (Rupees ten thousand two hundred fourteen only) as declared price per metric tonne of standard grade and paper industry (P.I.) grade Paraffin Wax respectively for the entire State of Goa.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th May, 1988.

Notification

No. 3/13/80-ILD-Part-I

In exercise of the powers conferred by sub-clause (a) of clause 2 of the Paraffin Wax (Supply, Distribution and Price Fixation) Order 1972 (hereinafter called the said Order) the Government of Goa, hereby authorises the Director of Industries and Mines, Government of Goa to exercise the powers and perform the functions of the competent authority for the purposes of the said Order in the State of Goa.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th May, 1988.

Finance (Expenditure) Department

Order

No. 6-1-87/Fin(Exp)

The Government is pleased to order with immediate effect the transfer and posting of the following Assistant Accounts Officers as indicated against each:—

Sr. No.	Name of the Officer and present posting	Transferred and posted at
1	2	3
1.	Shri Jairam K. K. Shankhawalkar, Mines Wing of the Directorate of Industries & Mines.	Directorate of Accounts, Panaji vice Shri P. N. Vaidhya transferred.
2.	Shri P. N. Vaidhya, Directorate of Accounts, Panaji.	Mines Wing of the Directorate of Industries & Mines vice Shri Jairam K. K. Shankhawalkar transferred.

Shri Jairam K. K. Shankhawalkar shall move first.

This order shall take immediate effect.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary, Finance (Expenditure).

Panaji, 13th May, 1988.

Law (Establishment) Department

Order

No. 4-9-84/LD(7)

In exercise of the powers conferred by clause (7) of section 2 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), read with order 27, rule 8 B of the First Schedule to the said Code, the Government of Goa hereby appoints Shri S. D. Dessai, Advocate, as Government Pleader for the purpose of conducting and defending the appeals in land acquisition proceedings initiated on behalf of the Kadamba Transport Corporation Ltd., Goa before the High Court of Judicature at Bombay, Goa Bench, Panaji.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Law).

Panaji, 12th May, 1988.

Notifications by the High Court of Judicature, Appellate Side, Bombay

No. A.3940/G/85

In modification of the orders contained in the High Court Notification No. A.3940/G/85, dated 30 April, 1988, the Hon'ble the Chief Justice and Judges, in exercise of the powers conferred by sub-section (6) of Section 9 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) are pleased to direct Shri V. P. Shetye, Additional District and Additional Sessions Judge, Panaji, to hold his sittings at Daman for 15 days in a month, with effect from June 1988, for the disposal of 4 ready Sessions Cases Nos. 5/72, 34/74, 27/81 and 1/83.

High Court, Appellate Side,
Bombay, 13 May, 1988.

R. G. Sindhakar
Registrar.

No. A. 3902/G/88

The Honourables the Chief Justice and Judges make the following postings:—

Name and present posting	New posting
1) Shri P. Sundararajan, Civil Judge, Senior Division and J.M.F.C., Quepem.	Ponda
2) Shri N. S. Kaissare, Civil Judge, Senior Division and J.M.F.C., Ponda.	

High Court, Appellate Side,
Bombay, 29th April, 1988.

R. G. Sindhakar
Registrar